

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 565

Introduced by Wehrbein, 2

Read first time January 18, 2005

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to land information systems; to amend sections
2 23-1503.01, 33-109, 33-130, 67-406, 76-901, and 76-903,
3 Reissue Revised Statutes of Nebraska, and section 86-520,
4 Revised Statutes Supplement, 2004; to adopt the Land
5 Information System Program Act; to provide funding; to
6 change tax rates and fees; to harmonize provisions; to
7 provide an operative date; and to repeal the original
8 sections.

9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 7 of this act shall be known
2 and may be cited as the Land Information System Program Act.

3 Sec. 2. The Land Information System Program is created.
4 The purposes of the program are to:

5 (1) Develop, maintain, and provide easy access to
6 accurate public land records, road and street address data bases,
7 and related information through the use of information technology;

8 (2) Meet statewide information needs for critical
9 applications, such as homeland security, emergency response, public
10 health and safety, and economic development;

11 (3) Promote the efficient use of public resources by
12 facilitating the development of collaborative interagency,
13 intergovernmental efforts to implement information technology;

14 (4) Develop and implement data standards and information
15 technology that facilitate the integration and statewide
16 aggregation of public land records and related information across
17 governmental jurisdictions;

18 (5) Provide a dedicated funding source to encourage and
19 assist collaborative local government efforts to develop
20 information technology;

21 (6) Support the statewide implementation of the program
22 by facilitating the formation of regional land information system
23 service units or other means to develop a flexible, sustainable
24 program that can help to mitigate the diversity of financial and
25 technical resources available to local political subdivisions and
26 provide a level of institutional program stability to mitigate
27 adverse impact on this intergovernmental program that might be
28 caused by changes in a particular elected public official and their

1 unique mix of technical skills; and

2 (7) Establish an interim dedicated funding source to
3 allow registers of deeds and county clerks serving as ex officio
4 registers of deeds to fund a backlog of preservation and
5 modernization needs related to land records, including:

6 (a) Major outlays for the restoration and preservation of
7 existing records and indices;

8 (b) Outlays for the analysis and evaluation of new
9 record-keeping and record-retrieval technology;

10 (c) The upgrade of existing equipment and software for
11 record keeping and record retrieval; and

12 (d) The upgrade and purchase of equipment and software
13 for electronic record keeping, record retrieval, and electronic
14 filing.

15 Sec. 3. For purposes of the Land Information System
16 Program Act:

17 (1) Automated land information system means a geographic
18 information system having as its main focus data concerning land
19 and land ownership records. An automated land information system
20 consists of computerized maps and associated tabular data bases,
21 computer hardware and software, trained personnel, and supporting
22 institutional arrangements and policies. The map data bases are
23 geographically referenced and logically constructed to enable
24 combining and analyzing data based on location or spatial
25 proximity. Computerized maps are also associated with related
26 tabular data bases that provide additional information about map
27 elements. Core data for local government land information systems
28 include computerized maps and associated tabular data on property

1 parcels, aerial photography, Public Land Survey System section
2 corners, and geodetic survey control points. Other maps and
3 associated data bases commonly used to support and expand the
4 capabilities of automated local government land information systems
5 include street and road centerlines with address ranges,
6 hydrography, zoning, land use, wetlands, and flood zones;

7 (2) Local coordinating committee means the county board
8 and the representatives of the major land record data maintenance
9 and data user agencies, such as the county assessor, register of
10 deeds, county surveyor, and others as determined by local
11 governance agreements, such as county highway superintendents,
12 emergency responders, county treasurers, or county clerks, created
13 to ensure a reasonable level of coordination and collaboration at
14 the local or regional level and empowered to act in a collaborative
15 program and financial planning; and

16 (3) Regional information service unit means three or more
17 counties or other political subdivisions which have joined together
18 through interlocal agreements to support the collaborative
19 development and maintenance of an automated land information system
20 to maintain and provide ready access to land information for their
21 geographic region in a cost-efficient manner.

22 Sec. 4. (1) The Land Information System State Fund is
23 created. The fund shall consist of the following accounts:

24 (a) The distribution account;

25 (b) The grant account; and

26 (c) The program account.

27 Until January 1, 2011, amounts credited to the fund shall
28 be allocated fifty percent to the distribution account, twenty-five

1 percent to the grant account, and twenty-five percent to the
2 program account. Commencing January 1, 2011, amounts credited to
3 the fund shall be allocated fifty percent to the grant account and
4 fifty percent to the program account.

5 (2) The Land Information System Local Fund is created.
6 The fund shall consist of the following accounts:

7 (a) The county account;

8 (b) The grant account; and

9 (c) The state administrative account.

10 Until January 1, 2011, amounts credited to the fund shall
11 be allocated sixty percent to the county account, thirty percent to
12 the grant account, and ten percent to the state administration
13 account. Commencing January 1, 2011, amounts credited to the fund
14 shall be transferred to the distribution account of the Land
15 Information System State Fund.

16 (3) Any money in the funds available for investment shall
17 be invested by the state investment officer pursuant to the
18 Nebraska Capital Expansion Act and the Nebraska State Funds
19 Investment Act.

20 Sec. 5. (1) The Land Information System State Fund shall
21 be used as provided in this section. The fund shall be
22 administered by the Chief Information Officer, in cooperation with
23 the Geographic Information System Steering Committee.

24 (2) The distribution account of the fund shall be
25 distributed to counties with qualifying local or regional programs.
26 To qualify, a local coordinating committee or a regional
27 information service unit, and their respective county boards shall
28 agree to follow the standards for data, program coordination, and

1 data sharing adopted under section 7 of this act. The distribution
2 account shall be distributed in the following proportions:

3 (a) Twenty percent evenly distributed to the total number
4 of qualifying applicants;

5 (b) Twenty percent based on a qualifying applicant's
6 share of the total taxable parcels in the state;

7 (c) Ten percent based on a qualifying applicant's share
8 of the total square miles in the state; and

9 (d) Fifty percent based on a qualifying applicant's share
10 of the revenue generated to support the Land Information System
11 Program.

12 (3) The grant account of the fund shall be distributed as
13 grants to regional information service units, county boards, state
14 agencies, or other political subdivisions. The grant program shall
15 be administered by the Chief Information Officer, in cooperation
16 with the Geographic Information System Steering Committee. An
17 initial priority for the allocation of these grant funds shall be
18 to encourage and facilitate the formation and operation of
19 regional, multi-county program entities and the ultimate statewide
20 implementation of the program. To encourage and facilitate the
21 formation of regional, multi-county program entities, and in
22 recognition that this intergovernmental planning process requires
23 resources, one-time planning grants of five thousand dollars per
24 county shall be made available to counties intending to form land
25 information system regions for coordinated program implementation.
26 These regional planning grants shall not be available to counties
27 which are not planning to develop a land information system region.

28 (4) The program account of the fund shall be used for

1 state-level activities, such as statewide data integration and
2 related system and application development, local government
3 technical assistance, data and systems acquisition, training, and
4 overall program administration.

5 Sec. 6. (1) The Land Information System Local Fund shall
6 be used as provided in this section.

7 (2) The county account of the fund shall be distributed
8 to the counties based on the portion contributed to the fund by
9 each county. This money shall be used for:

10 (a) Major outlays for the restoration and preservation of
11 existing records and indices;

12 (b) Outlays for the analysis and evaluation of new
13 record-keeping and record-retrieval technology;

14 (c) The upgrade of existing equipment and software for
15 record keeping and record retrieval; and

16 (d) The upgrade and purchase of equipment and software
17 for electronic record keeping, record retrieval, and electronic
18 filing.

19 (3) The grant account of the fund shall be distributed as
20 grants to registers of deeds and county clerks serving as ex
21 officio registers of deeds to finance major restoration and
22 preservation of existing records and indices and technology
23 upgrades and purchases. The grant program shall be administered by
24 the Chief Information Officer, in cooperation with the County
25 Records Improvement Grant Fund Committee. The committee shall be
26 comprised of the Secretary of State or his or her designee, who
27 shall serve as chairperson, the member of the board of directors of
28 the Nebraska Association of County Officials who represents clerks,

1 election commissioners, and register of deeds, a register of deeds
2 representing a county with fifty thousand or more inhabitants, a
3 register of deeds representing a county with less than fifty
4 thousand inhabitants, a county clerk who serves as ex officio
5 register of deeds, and a member of the public. The Governor shall
6 appoint the members of the committee. The members shall serve
7 two-year terms. Any vacancy in the committee shall be filled by
8 appointment by the Governor. Members of the committee shall be
9 reimbursed for their actual and necessary expenses as provided in
10 sections 81-1174 to 81-1177. This subsection shall terminate on
11 January 1, 2011.

12 (4) The state administration account of the fund shall be
13 used for program administration.

14 Sec. 7. The Chief Information Officer, in cooperation
15 with the Geographic Information System Steering Committee, shall
16 adopt and promulgate rules and regulations to carry out the Land
17 Information System Program Act. Receipt of any of the funding is
18 contingent upon the recipient's agreement to abide by the rules and
19 regulations.

20 Sec. 8. Section 23-1503.01, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 23-1503.01. Any instrument submitted for recording in
23 the office of the register of deeds shall contain a blank space at
24 the top of the first page which is at least two and one-half inches
25 by six and one-half inches in size for recording information
26 required by section 23-1510 by the register of deeds. If this
27 space or the information required by such section is not provided,
28 the register of deeds may add a page or use the back side of an

1 existing page and charge for the page a fee fees established by
2 section 33-109 for the recording of an instrument.

3 Printed forms primarily intended to be used for
4 recordation purposes shall have a one-half-inch margin on the two
5 vertical sides except in the space reserved for recording
6 information. Any printed form accepted for recordation that does
7 not comply with this section shall not affect the validity of or
8 the notice otherwise given by the recording.

9 Sec. 9. Section 33-109, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 33-109. The register of deeds and the county clerk
12 serving as ex officio register of deeds shall receive for recording
13 a deed, mortgage, or release, recording and indexing of a will,
14 recording and indexing of a decree in a testate estate, recording
15 proof of publication, or recording any other instrument, (1) a fee
16 of five dollars per page and (2) a fee of five dollars per
17 instrument recorded. The cost for a certified copy of any
18 instrument filed or recorded in the office of county clerk or
19 register of deeds shall be one dollar and fifty cents per page.

20 Sec. 10. Section 33-130, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 33-130. Each county clerk serving as ex officio register
23 of deeds or register of deeds shall, not later than the fifteenth
24 day of the month following the calendar month in which fees are
25 received, pay over to the county treasurer all fees received and
26 take the receipt of the county treasurer therefor, except that all
27 fees received pursuant to subdivision (2) of section 33-109 shall
28 be remitted to the State Treasurer for credit to the Land

1 Information System Local Fund. Except as provided by section
2 25-2712, all fees received by the county treasurer pursuant to this
3 section shall be credited to the general fund of the county.

4 Sec. 11. Section 67-406, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 67-406. (1) A statement may be filed in the office of
7 the Secretary of State. A certified copy of a statement that is
8 filed in an office in another state may be filed in the office of
9 the Secretary of State. Either filing has the effect provided in
10 the Uniform Partnership Act of 1998 with respect to partnership
11 property located in or transactions that occur in this state.

12 (2) For transfers of real property, a certified copy of a
13 statement that has been filed in the office of the Secretary of
14 State and recorded in the office of the register of deeds has the
15 effect provided for recorded statements in the act. A recorded
16 statement that is not a certified copy of a statement filed in the
17 office of the Secretary of State does not have the effect provided
18 for recorded statements in the act.

19 (3) A statement filed by a partnership must be executed
20 by at least two partners. Other statements must be executed by a
21 partner or other person authorized by the act. An individual who
22 executes a statement as, or on behalf of, a partner or other person
23 named as a partner in a statement shall personally declare under
24 penalty of perjury that the contents of the statement are accurate.

25 (4) A person authorized by the act to file a statement
26 may amend or cancel the statement by filing an amendment or
27 cancellation that names the partnership, identifies the statement,
28 and states the substance of the amendment or cancellation.

1 (5) A person who files a statement pursuant to this
2 section shall promptly send a copy of the statement to every
3 nonfiling partner and to any other person named as a partner in the
4 statement. Failure to send a copy of a statement to a partner or
5 other person does not limit the effectiveness of the statement as
6 to a person not a partner.

7 (6) The Secretary of State may collect a fee for filing
8 or providing a certified copy of a statement as provided in section
9 67-462. The register of deeds may collect a ~~fee~~ fees for recording
10 a statement as provided in section 33-109.

11 Sec. 12. Section 76-901, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 76-901. There is hereby imposed a tax on the grantor
14 executing the deed as defined in section 76-203 upon the privilege
15 of transferring beneficial interest in or legal title to real
16 estate at the rate of ~~one dollar and seventy-five~~ two dollars and
17 twenty-five cents for each one thousand dollars value or fraction
18 thereof. For purposes of sections 76-901 to 76-908, value shall
19 mean (1) in the case of any deed, not a gift, the amount of the
20 full actual consideration thereof, paid or to be paid, including
21 the amount of any lien or liens assumed, and (2) in the case of a
22 gift or any deed with nominal consideration or without stated
23 consideration, the current market value of the property
24 transferred. Such tax shall be evidenced by stamps to be attached
25 to the deed. All deeds purporting to transfer legal title or
26 beneficial interest shall be presumed taxable unless it clearly
27 appears on the face of the deed or sufficient documentary proof is
28 presented to the register of deeds that the instrument is exempt

1 under section 76-902.

2 Sec. 13. Section 76-903, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 76-903. The Tax Commissioner shall design such stamps in
5 such denominations as in his or her judgment will be the most
6 advantageous to all persons concerned. When any deed subject to
7 the tax imposed by section 76-901 is offered for recordation, the
8 register of deeds shall ascertain and compute the amount of the tax
9 due thereon and shall collect such amount as a prerequisite to
10 acceptance of the deed for recordation. If a dispute arises
11 concerning the taxability of the transfer, the register of deeds
12 shall not record the deed until the disputed tax is paid. If a
13 disputed tax has been paid, the taxpayer may file for a refund
14 pursuant to section 76-908. The taxpayer may also seek a
15 declaratory ruling pursuant to rules and regulations adopted and
16 promulgated by the Department of Revenue. From each ~~one dollar and~~
17 ~~seventy-five~~ two dollars and twenty-five cents of tax collected
18 pursuant to section 76-901, the register of deeds shall retain
19 fifty cents to be placed in the county general fund and shall remit
20 the balance to the State Treasurer who shall credit one dollar of
21 such amount to the Affordable Housing Trust Fund, ~~and~~ twenty-five
22 cents of such amount to the Homeless Shelter Assistance Trust Fund,
23 ~~except that beginning January 1, 2002, and ending December 31,~~
24 ~~2003, the State Treasurer shall credit the balance as follows:~~
25 ~~Fifty cents of such amount to the Affordable Housing Trust Fund,~~
26 ~~twenty-five cents of such amount to the Homeless Shelter Assistance~~
27 ~~Trust Fund, and fifty cents of such amount to the General Fund and~~
28 fifty cents of such amount to the Land Information System State

1 Fund.

2 Sec. 14. Section 86-520, Revised Statutes Supplement,
3 2004, is amended to read:

4 86-520. The Chief Information Officer shall:

5 (1) Maintain, in cooperation with the Department of
6 Administrative Services, an inventory of noneducation state
7 government technology assets, including hardware, applications, and
8 data bases;

9 (2) Recommend policies and guidelines for acceptable and
10 cost-effective use of information technology in noneducation state
11 government;

12 (3) Advise the Governor and Legislature on policy issues
13 affecting noneducation state government related to information
14 technology;

15 (4) Coordinate efforts among other noneducation state
16 government technology agencies and coordinating bodies;

17 (5) Implement a strategic, tactical, and project planning
18 process for noneducation state government information technology
19 that is linked to the budget process;

20 (6) Assist the budget division of the Department of
21 Administrative Services and Legislative Fiscal Analyst in
22 evaluating technology-related budget requests;

23 (7) Work with each governmental department and
24 noneducation state agency to evaluate and act upon opportunities to
25 more efficiently and effectively deliver government services
26 through the use of information technology;

27 (8) Recommend to the Governor and Legislature methods for
28 improving the organization and management of data by noneducation

1 agencies to achieve the goals of making information sharable and
2 reusable, eliminating redundancy of data and programs, improving
3 the quality and usefulness of data, and improving access to data,
4 and implement such recommendations as the Governor or Legislature
5 may direct;

6 (9) Monitor the status of major noneducation state
7 government technology projects;

8 (10) Administer such funds as may be appropriated to the
9 Chief Information Officer by the Legislature; ~~and~~

10 (11) Carry out duties assigned in the Land Information
11 System Program Act; and

12 (12) Complete other tasks as assigned by the Governor.

13 Sec. 15. This act becomes operative on January 1, 2006.

14 Sec. 16. Original sections 23-1503.01, 33-109, 33-130,
15 67-406, 76-901, and 76-903, Reissue Revised Statutes of Nebraska,
16 and section 86-520, Revised Statutes Supplement, 2004, are
17 repealed.